MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018/2019

UMY1712 – MALAYSIAN LEGAL SYSTEM

(All Sections / Groups)

22nd OCTOBER 2018
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Court of Judicature Act 1964
   ii. Federal Constitution of Malaysia
   iii. Criminal Procedure Code
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

(a) Ozil, a non violent person, was arrested by a police officer in his house. Ozil did not put up a struggle but the police officer roughed him up before he was handcuffed. He was then taken to the police station for questioning. During the questioning, Ozil was not told of his charges. Furthermore, he was tied to his seat and was denied any communication with any person as the police did not want any interference from outside that may aid him in his case. Ozil was kept in the lock-up for days before finally being produced before a magistrate.

Advise Ozil.

(15 Marks)

(b) While walking home from campus, Meor was stopped by two policemen. He was asked by one of the policemen to show his identity card while the other searched his body. As nothing incriminating was found, the two policemen released him.

Discuss under which provisions of the Criminal Procedure Code which allows the police to perform a body search.

(10 Marks)
(Total: 25 Marks)

QUESTION 2

Malaysia is a unique country that practices dual legal systems with both Common Law and Syariah Law operating simultaneously. This is provided by the insertion of Clause (1A) into Article 121 of the Federal Constitution. Critically discuss the conflicts arising from this amendment. Your answer should be illustrated with relevant caselaws.

(Total: 25 marks)

QUESTION 3

The issue surrounding the appointment of Attorney General has caused some uproar in Malaysia recently. It has been said that the Attorney General holds one of the most powerful positions in Malaysia. Discuss whether you agree or not with the statement. Your answer should be supported with Articles from the Federal Constitution and relevant law cases.

(Total: 25 Marks)

Continued...

QUESTION 4

KUALA LUMPUR, Sept 20 — The sacking of then Lord President Tun Salleh Abas during the 1988 judicial crisis was a national tragedy that continues to haunt the judiciary till this very day, retired Court of Appeal judge Justice Datuk Mohd has said.

"Yes, by now, after some 27 years since that dark episode, the judiciary has probably recovered, but still to a very limited extent.

Source: Ex-judge: Judiciary never fully recovered from 1988 crisis (2015, September 20). Retrieved from https://www.malaymail.com/s/973291/ex-judge-judiciary-never-fully-recovered-from-1988-crisis

Do you agree with the statement above? Discuss in reference to the Federal Constitution and selected case laws.

(Total: 25 Marks)

QUESTION 5

(a) Identify the superior courts in Malaysia. Discuss the jurisdiction and powers of the superior courts in Malaysia.

(12 Marks)

(b) Explain what is meant by supervisory, revisionary, and review powers of the Superior Courts.

(13 Marks)
(Total: 25 Marks)

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